

AMENDMENT NO. 3

This Amendment modifies Contract No. 12-45-238B, for Drug Testing Services by and between the County of Cook, Illinois, herein referred to as "County" and Phamatech Inc., authorized to do business in the State of Illinois hereinafter referred to as "Contractor":

RECITALS

Whereas, the County and Contractor have entered into a Contract approved by the Chief Procurement Officer on October 25, 2012, (hereinafter referred to as the "Contract"), wherein the Contractor is to provide Drug Testing Services (hereinafter referred to as the "Services") from January 1, 2013 through December 31, 2015 with two (2) one-year renewal options, in an amount not to exceed \$97,027.00; and

Whereas, Amendment # 1 was executed on April 4, 2013 for additional services: and

Whereas, Amendment # 2 was executed on October 26, 2015 for a renewal from January 1, 2016 to December 31, 2016 and an increase in the amount of \$25,000.00. The Total Contract amount was increased to \$122,027.00

Whereas, the County and Contractor desire to include additional supplies to the Contract; and

Now therefore, in consideration of mutual covenants contained herein, it is agreed by and between the parties to amend the Contract as follows:

1. In accordance with the section GC-10 Modifications and Amendments the following items are being added to the Drug Testing Contract:

Item No.	Item Description	Unit of Measure	Unit Cost
Item 10.	Plastic Container (Manufacturer Item #100291) 45 ml Flying Arrow Vial	unit	\$.20
Item 11.	Therapak Collection Cups, 90 mlw/screw cap and temperature strip	unit	\$.25

2. Identification of Subcontractor and M/WBE Utilization forms are incorporated and made a part of this Contract.
3. All other terms and conditions remain as stated in the Contract.

In witness whereof, the County and Contractor have caused this Amendment No. 3 to be executed on the date and year last written below.

County of Cook, Illinois

Phamatech Inc.

By: 

Chief Procurement Officer

Signed 

Dana M Conde

By: N/A

State's Attorney (if applicable)

Type or print name

Contract Manager

Title

Date: 15 June 2016

Date: 03-18-16



OFFICE OF CONTRACT COMPLIANCE

JACQUELINE GOMEZ

DIRECTOR

118 N. Clark, County Building, Room 1020 • Chicago, Illinois 60602 • (312) 603-5502

TONI PRECKWINKLE

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15th District

JEFFREY R. TOBOLSKI
16th District

SEAN M. MORRISON
17th District

May 16, 2016

Ms. Shannon E. Andrews
Chief Procurement Officer
118 N. Clark Street
County Building-Room 1018
Chicago, IL 60602

Re: Contract No.: 12-45-238B (Amendment No.3)
Drug Testing Services
Human Resources Department

Dear Ms. Andrews:

The Office of Contract Compliance is in receipt of the above-referenced contract amendment and has reviewed this contract for compliance with the Minority- and Women- owned Business Enterprises (MBE/WBE) Ordinance. After careful review of our records as reported by the vendor, it has been determined the vendor is in compliance with the MBE/WBE Ordinance.

Sincerely,

Jacqueline Gomez
Contract Compliance Director
JG/smp

cc: Hermine Wise, OCPO
Nicole Riley, Human Resources Department

PETITION FOR WAIVER OF MBE/WBE PARTICIPATION – FORM 3

A. BIDDER/PROPOSER HEREBY REQUESTS:



FULL MBE WAIVER



FULL WBE WAIVER



REDUCTION (PARTIAL MBE and/or WBE PARTICIPATION)

_____ % of Reduction for MBE Participation

_____ % of Reduction for WBE Participation

B. REASON FOR FULL/REDUCTION WAIVER REQUEST

Bidder/Proposer shall check each item applicable to its reason for a waiver request. Additionally, supporting documentation shall be submitted with this request.



(1) Lack of sufficient qualified MBEs and/or WBEs capable of providing the goods or services required by the contract. **(Please explain)**



(2) The specifications and necessary requirements for performing the contract make it impossible or economically infeasible to divide the contract to enable the contractor to utilize MBEs and/or WBEs in accordance with the applicable participation. **(Please explain)**



(3) Price(s) quoted by potential MBEs and/or WBEs are above competitive levels and increase cost of doing business and would make acceptance of such MBE and/or WBE bid economically impracticable, taking into consideration the percentage of total contract price represented by such MBE and/or WBE bid. **(Please explain)**



(4) There are other relevant factors making it impossible or economically infeasible to utilize MBE and/or WBE firms. **(Please explain) **SEE ATTACHED**

C. GOOD FAITH EFFORTS TO OBTAIN MBE/WBE PARTICIPATION



(1) Made timely written solicitation to identified MBEs and WBEs for utilization of goods and/or services; and provided MBEs and WBEs with a timely opportunity to review and obtain relevant specifications, terms and conditions of the proposal to enable MBEs and WBEs to prepare an informed response to solicitation. **(Attach of copy written solicitations made)**



(2) Used the services and assistance of the Office of Contract Compliance staff. **(Please explain)**



(3) Timely notified and used the services and assistance of community, minority and women business organizations. **(Attach of copy written solicitations made)**



(4) Followed up on initial solicitation of MBEs and WBEs to determine if firms are interested in doing business. **(Attach supporting documentation)**



(5) Engaged MBEs & WBEs for direct/indirect participation. **(Please explain)**

D. OTHER RELEVANT INFORMATION

Attach any other documentation relative to Good Faith Efforts in complying with MBE/WBE participation.

*****SEE ATTACHED FOR STATEMENT RE: MBE WAIVER AND PRODUCT PRICING**

To Whom It May Concern:

MBE Waiver Request

Phamatech, Inc. is requesting the MBE participation be waived for Contract No. 12-45-238B, Amendment No. 3 for Drug Testing Services.

ITEMS BEING ADDED TO THE DRUG TESTING CONTRACT:

Plastic Container 45ml – Flying Arrow Vial

Therapak Collection Cups, 90ml w/screw cap and temperature strip

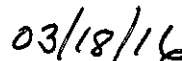
Phamatech provides the above items in many of our contracts nationwide and because of the large quantity orders to our current supplier, we are able to include these items at a substantially discounted price. If we were to find an MBE OR WBE to provide these items for this contract alone, the pricing would be at a much higher rate because of the smaller volume orders and would be economically infeasible.

Phamatech is a MBE recognized by the National Minority Supplier Development Council, which is no longer an accepted certification by Cook County. This certification satisfies the requirements of MBE participation in many other states and counties where Phamatech currently holds government contracts. Phamatech makes efforts to utilize disadvantaged businesses when there is an opportunity, and appreciates the efforts to utilize MBE/WBE involvement.

This waiver request should not be misconstrued as an attempt to avoid giving opportunity to a qualified MBE in any way.



Dana M Conde / Contract Specialist



Date

Cook County
Office of the Chief Procurement Officer
Identification of Subcontractor/Supplier/Subconsultant Form

OCPO ONLY:

- ☐ Disqualification
☐ Check Complete

The Bidder/Proposer/Respondent ("the Contractor") will fully complete and execute and submit an Identification of Subcontractor/Supplier/Subconsultant Form ("ISF") with each Bid, Request for Proposal, and Request for Qualification. **The Contractor must complete the ISF for each Subcontractor, Supplier or Subconsultant which shall be used on the Contract.** In the event that there are any changes in the utilization of Subcontractors, Suppliers or Subconsultants, the Contractor must file an updated ISF.

Bid/RFP/RFQ No.: 12-45-238B	Date: 03-18-16
Total Bid or Proposal Amount: \$122,027.00	Contract Title: Drug Testing Services
Contractor: Phamatech, Inc.	Subcontractor/Supplier/ Subconsultant to be added or substitute: Therapak
Authorized Contact for Contractor: Dana M Conde	Authorized Contact for Subcontractor/Supplier/ Subconsultant: Rebecca Schulze
Email Address (Contractor): dconde@phamatech.com	Email Address (Subcontractor): rschulze@therapak.com
Company Address (Contractor): 15175 Innovation Drive	Company Address (Subcontractor): 651 Wharton Drive
City, State and Zip (Contractor): San Deigo, CA 92128	City, State and Zip (Subcontractor): Claremont, CA 91711
Telephone and Fax (Contractor) 888 635 5840 / 858 635 5843	Telephone and Fax (Subcontractor) 909 267 2000 / 909 267 2001
Estimated Start and Completion Dates 01 JAN 2016 through 31 DEC 2016 (Contractor)	Estimated Start and Completion Dates 01 JAN 2016 through 31 DEC 2016 (Subcontractor)

Note: Upon request, a copy of all written subcontractor agreements must be provided to the OCPO.

<u>Description of Services or Supplies</u>	<u>Total Price of Subcontract for Services or Supplies</u>
Therapak provides 45ml Flying Arrow Vial & 90 ml collection cup w/screwtop and Temp strip	unknown

The subcontract documents will incorporate all requirements of the Contract awarded to the Contractor as applicable. The subcontract will in no way hinder the Subcontractor/Supplier/Subconsultant from maintaining its progress on any other contract on which it is either a Subcontractor/Supplier/Subconsultant or principal contractor. This disclosure is made with the understanding that the Contractor is not under any circumstances relieved of its abilities and obligations, and is responsible for the organization, performance, and quality of work. **This form does not approve any proposed changes, revisions or modifications to the contract approved MBE/WBE Utilization Plan. Any changes to the contract's approved MBE/WBE/Utilization Plan must be submitted to the Office of the Contract Compliance.**

Contractor **Phamatech, Inc.**

Name **Dana M Conde / Contract Manager**

Title

Dana M. Conde

March 18, 2016

Prime Contractor Signature

Date